#### 109TH CONGRESS 2D SESSION

# S. 4111

To provide for certain water resources projects in the State of Louisiana.

#### IN THE SENATE OF THE UNITED STATES

**DECEMBER 8, 2006** 

Ms. Landrieu introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

## A BILL

To provide for certain water resources projects in the State of Louisiana.

- 1 Be it enacted by the Senate and House of Representa-
- 2 tives of the United States of America in Congress assembled,
- 3 SECTION 1. SHORT TITLE.
- 4 This Act may be cited as the "Louisiana Water Re-
- 5 sources Projects Act of 2006".
- 6 SEC. 2. PROJECT AUTHORIZATIONS.
- 7 (a) Projects With Chief's Reports.—Except as
- 8 otherwise provided in this section, the following projects
- 9 for water resources development and conservation and
- 10 other purposes are authorized to be carried out by the Sec-
- 11 retary of the Army (referred to in this Act as the "Sec-

- 1 retary") substantially in accordance with the plans, and 2 subject to the conditions, described in the respective re-
- 3 ports designated in this section:
- (1) BAYOU SORREL LOCK, LOUISIANA.—The 4 5 project for navigation, Bayou Sorrel Lock, Lou-6 isiana: Report of the Chief of Engineers dated Janu-7 ary 3, 2005, at a total cost of \$9,500,000. The costs 8 of construction of the project are to be paid ½ from 9 amounts appropriated from the general fund of the 10 Treasury and ½ from amounts appropriated from 11 the Inland Waterways Trust Fund.
  - (2) Morganza to the gulf of mexico, louisiana.—
    - (A) IN GENERAL.—The project for hurricane and storm damage reduction, Morganza to the Gulf of Mexico, Louisiana: Reports of the Chief of Engineers dated August 23, 2002, and July 22, 2003, at a total cost of \$841,100,000 with an estimated Federal cost of \$546,300,000 and an estimated non-Federal cost of \$294,800,000.
    - (B) OPERATION AND MAINTENANCE.—The operation, maintenance, repair, rehabilitation, and replacement of the Houma Navigation Canal lock complex and the Gulf Intracoastal

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- Waterway floodgate features that provide for inland waterway transportation shall be a Federal responsibility, in accordance with section 102 of the Water Resources Development Act of 1986 (33 U.S.C. 2212).
- 6 (b) Project Subject to Final Report.—The project for navigation, Port of Iberia, Louisiana, at a total 8 cost of \$204,600,000, with an estimated Federal cost of \$129,700,000 and an estimated non-Federal cost of 10 \$74,900,000, is authorized to be carried out by the Secretary substantially in accordance with the plans, and subject to the conditions, recommended in a final report of the Chief of Engineers if a favorable report of the Chief is completed not later than December 31, 2006, except 15 that the Secretary, in consultation with Vermillion and Iberia Parishes, Louisiana, is directed to use available 16 17 dredged material and rock placement on the south bank of the Gulf Intracoastal Waterway and the west bank of 18 the Freshwater Bayou Channel to provide incidental storm 19 20 surge protection.
- 21 SEC. 3. LOUISIANA COASTAL AREA ECOSYSTEM RESTORA-
- 22 TION, LOUISIANA.
- 23 (a) In General.—The Secretary may carry out a 24 program for ecosystem restoration, Louisiana Coastal

1	Area, Louisiana, substantially in accordance with the re-
2	port of the Chief of Engineers, dated January 31, 2005
3	(b) Priorities.—
4	(1) In general.—In carrying out the program
5	under subsection (a), the Secretary shall give pri-
6	ority to—
7	(A) any portion of the program identified
8	in the report described in subsection (a) as a
9	critical restoration feature;
10	(B) any Mississippi River diversion project
11	that—
12	(i) protects a major population area of
13	the Pontchartain, Pearl, Breton Sound
14	Barataria, or Terrebonne Basin; and
15	(ii) produces an environmental benefit
16	to the coastal area of the State of Lou-
17	isiana; and
18	(C) any barrier island, or barrier shoreline
19	project that—
20	(i) is carried out in conjunction with
21	a Mississippi River diversion project; and
22	(ii) protects a major population area
23	(c) Modifications.—
24	(1) In general.—In carrying out the program
25	under subsection (a), the Secretary is authorized to

make modifications as necessary to the 5 near-term critical ecosystem restoration features identified in the report referred to in subsection (a), due to the impact of Hurricanes Katrina and Rita on the project areas.

(2) Integration.—The Secretary shall ensure that the modifications under paragraph (1) are fully integrated with the analysis and design of comprehensive hurricane protection authorized by title I of the Energy and Water Development Appropriations Act, 2006 (Public Law 109–103; 119 Stat. 2247).

#### (3) Construction.—

(A) IN GENERAL.—The Secretary is authorized to construct the projects modified under this subsection.

#### (B) Reports.—

(i) IN GENERAL.—Before beginning construction of the projects, the Secretary shall submit a report documenting any modifications to the 5 near-term projects, including cost changes, to the Louisiana Water Resources Council established by subsection (n)(1) (referred to in this section as the "Council") for approval.

1	(ii) Submission to congress.—On
2	approval of a report under clause (i), the
3	Council shall submit the report to the
4	Committee on Environment and Public
5	Works of the Senate and the Committee on
6	Transportation and Infrastructure of the
7	House of Representatives.
8	(4) Applicability of other provisions.—
9	Section 902 of the Water Resources Development
10	Act of 1986 (33 U.S.C. 2280) shall not apply to the
11	5 near-term projects authorized by this section.
12	(d) Demonstration Program.—
13	(1) In general.—In carrying out the program
14	under subsection (a), the Secretary is authorized to
15	conduct a demonstration program within the appli-
16	cable project area to evaluate new technologies and
17	the applicability of the technologies to the program.
18	(2) Cost Limitation.—The cost of an indi-
19	vidual project under this subsection shall be not
20	more than \$25,000,000.
21	(e) Beneficial Use of Dredged Material.—
22	(1) In general.—In carrying out the program
23	under subsection (a), the Secretary is authorized to
24	use such sums as are necessary to conduct a pro-

gram for the beneficial use of dredged material.

1 (2) Consideration.—In carrying out the program under subsection (a), the Secretary shall consider the beneficial use of sediment from the Illinois River System for wetlands restoration in wetlands-depleted watersheds.

#### (f) Reports.—

(1) IN GENERAL.—Not later than December 31, 2008, the Secretary shall submit to Congress feasibility reports on the features included in table 3 of the report referred to in subsection (a).

#### (2) Projects identified in reports.—

- (A) IN GENERAL.—The Secretary shall submit the reports described in paragraph (1) to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.
- (B) Construction.—The Secretary shall be authorized to construct the projects identified in the reports at the time the Committees referred to in subparagraph (A) each adopt a resolution approving the project.
- 23 (g) Nongovernmental Organizations.—A non-24 governmental organization shall be eligible to contribute

1	all or a portion of the non-Federal share of the cost of
2	a project under this section.
3	(h) Comprehensive Plan.—
4	(1) In general.—The Secretary, in coordina-
5	tion with the Governor of the State of Louisiana
6	shall—
7	(A) develop a plan for protecting, pre-
8	serving, and restoring the coastal Louisiana
9	ecosystem;
10	(B) not later than 1 year after the date of
11	enactment of this Act, and every 5 years there-
12	after, submit to Congress the plan, or an up-
13	date of the plan; and
14	(C) ensure that the plan is fully integrated
15	with the analysis and design of comprehensive
16	hurricane protection authorized by title I of the
17	Energy and Water Development Appropriations
18	Act, 2006 (Public Law 109–103; 119 Stat
19	2247).
20	(2) Inclusions.—The comprehensive plan
21	shall include a description of—
22	(A) the framework of a long-term program
23	that provides for the comprehensive protection
24	conservation, and restoration of the wetlands
25	estuaries (including the Barataria-Terrebonne

1	estuary), barrier islands, shorelines, and related
2	land and features of the coastal Louisiana eco-
3	system, including protection of a critical re-
4	source, habitat, or infrastructure from the ef-
5	fects of a coastal storm, a hurricane, erosion, or
6	subsidence;
7	(B) the means by which a new technology,
8	or an improved technique, can be integrated
9	into the program under subsection (a);
10	(C) the role of other Federal agencies and
11	programs in carrying out the program under
12	subsection (a); and
13	(D) specific, measurable ecological success
14	criteria by which success of the comprehensive
15	plan shall be measured.
16	(3) Consideration.—In developing the com-
17	prehensive plan, the Secretary shall consider the ad-
18	visability of integrating into the program under sub-
19	section (a)—
20	(A) a related Federal or State project car-
21	ried out on the date on which the plan is devel-
22	oped;
23	(B) an activity in the Louisiana Coastal
24	Area; or

1	(C) any other project or activity identified
2	in—
3	(i) the Mississippi River and Tribu-
4	taries program;
5	(ii) the Louisiana Coastal Wetlands
6	Conservation Plan;
7	(iii) the Louisiana Coastal Zone Man-
8	agement Plan; or
9	(iv) the plan of the State of Louisiana
10	entitled "Coast 2050: Toward a Sustain-
11	able Coastal Louisiana".
12	(i) Task Force.—
13	(1) Establishment.—There is established a
14	task force to be known as the "Coastal Louisiana
15	Ecosystem Protection and Restoration Task Force"
16	(referred to in this subsection as the "Task Force").
17	(2) Membership.—The Task Force shall con-
18	sist of the following members (or, in the case of the
19	head of a Federal agency, a designee at the level of
20	Assistant Secretary or an equivalent level):
21	(A) The Secretary.
22	(B) The Secretary of the Interior.
23	(C) The Secretary of Commerce.
24	(D) The Administrator of the Environ-
25	mental Protection Agency.

1	(E) The Secretary of Agriculture.
2	(F) The Secretary of Transportation.
3	(G) The Secretary of Energy.
4	(H) The Secretary of Homeland Security.
5	(I) 3 representatives of the State of Lou-
6	isiana appointed by the Governor of that State.
7	(3) Duties.—The Task Force shall make rec-
8	ommendations to the Secretary regarding—
9	(A) policies, strategies, plans, programs,
10	projects, and activities for addressing conserva-
11	tion, protection, restoration, and maintenance
12	of the coastal Louisiana ecosystem;
13	(B) financial participation by each agency
14	represented on the Task Force in conserving,
15	protecting, restoring, and maintaining the
16	coastal Louisiana ecosystem, including rec-
17	ommendations—
18	(i) that identify funds from current
19	agency missions and budgets; and
20	(ii) for coordinating individual agency
21	budget requests; and
22	(C) the comprehensive plan under sub-
23	section (h).
24	(4) Working groups.—The Task Force may
25	establish such working groups as the Task Force de-

1	termines to be necessary to assist the Task Force in
2	carrying out this subsection.
3	(5) Nonapplicability of faca.—The Federal
4	Advisory Committee Act (5 U.S.C. App.) shall not
5	apply to the Task Force or any working group of the
6	Task Force.
7	(j) Science and Technology.—
8	(1) In general.—The Secretary shall establish
9	a coastal Louisiana ecosystem science and tech-
10	nology program.
11	(2) Purposes.—The purposes of the program
12	established by paragraph (1) shall be—
13	(A) to identify any uncertainty relating to
14	the physical, chemical, geological, biological,
15	and cultural baseline conditions in coastal Lou-
16	isiana;
17	(B) to improve knowledge of the physical
18	chemical, geological, biological, and cultural
19	baseline conditions in coastal Louisiana; and
20	(C) to identify and develop technologies,
21	models, and methods to carry out this sub-
22	section.
23	(3) Working groups.—The Secretary may es-
24	tablish such working groups as the Secretary deter-

- 1 mines to be necessary to assist the Secretary in car-2 rying out this subsection.
- 3 (4) Contracts and cooperative agree-4 MENTS.—In carrying out this subsection, the Sec-5 retary may enter into a contract or cooperative 6 agreement with an individual or entity (including a 7 consortium of academic institutions in Louisiana) 8 with scientific or engineering expertise in the res-9 toration of aquatic and marine ecosystems for coast-10 al restoration and enhancement through science and technology.

### (k) Analysis of Benefits.—

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- (1) IN GENERAL.—Notwithstanding section 209 of the Flood Control Act of 1970 (42 U.S.C. 1962– 2) or any other provision of law, in carrying out an activity to conserve, protect, restore, or maintain the coastal Louisiana ecosystem, the Secretary may determine that the environmental benefits provided by the program under this section outweigh the disadvantage of an activity under this section.
- (2)DETERMINATION OFCOST-EFFECTIVE-NESS.—If the Secretary determines that an activity under this section is cost-effective, no further economic justification for the activity shall be required.
- 25 (l) Studies.—

1	(1) Degradation.—Not later than 180 days
2	after the date of enactment of this Act, the Sec-
3	retary, in consultation with the non-Federal interest
4	shall enter into a contract with the National Acad-
5	emy of Sciences under which the National Academy
6	of Sciences shall carry out a study to identify—
7	(A) the cause of any degradation of the
8	Louisiana Coastal Area ecosystem that occurred
9	as a result of an activity approved by the Sec-
10	retary; and
11	(B) the sources of the degradation.
12	(2) Financing.—On completion, and taking
13	into account the results, of the study conducted
14	under paragraph (1), the Secretary, in consultation
15	with the non-Federal interest, shall study—
16	(A) financing alternatives for the program
17	under subsection (a); and
18	(B) potential reductions in the expenditure
19	of Federal funds in emergency responses that
20	would occur as a result of ecosystem restoration
21	in the Louisiana Coastal Area.
22	(m) Project Modifications.—
23	(1) Review.—The Secretary, in cooperation
24	with any non-Federal interest, shall review each fed-
25	erally-authorized water resources project in the

1	coastal Louisiana area in existence on the date of
2	enactment of this Act to determine whether—
3	(A) each project is in accordance with the
4	program under subsection (a); and
5	(B) the project could contribute to eco-
6	system restoration under subsection (a) through
7	modification of the operations or features of the
8	project.
9	(2) Modifications.—Subject to paragraphs
10	(3) and (4), the Secretary may carry out the modi-
11	fications described in paragraph (1)(B).
12	(3) Public notice and comment.—Before
13	completing the report required under paragraph (4),
14	the Secretary shall provide an opportunity for public
15	notice and comment.
16	(4) Report.—
17	(A) IN GENERAL.—Before modifying an
18	operation or feature of a project under para-
19	graph (1)(B), the Secretary shall submit to the
20	Committee on Environment and Public Works
21	of the Senate and the Committee on Transpor-
22	tation and Infrastructure of the House of Rep-
23	resentatives a report describing the modifica-

tion.

1	(B) Inclusion.—A report under subpara-
2	graph (A) shall include such information relat-
3	ing to the timeline and cost of a modification
4	as the Secretary determines to be relevant.
5	(5) Authorization of appropriations.—
6	There is authorized to be appropriated to carry out
7	this subsection \$10,000,000.
8	(n) Louisiana Water Resources Council.—
9	(1) Establishment.—There is established
10	within the Mississippi River Commission, a subgroup
11	to be known as the "Louisiana Water Resources
12	Council".
13	(2) Purposes.—The purposes of the Council
14	are—
15	(A) to manage and oversee each aspect of
16	the implementation of a system-wide, com-
17	prehensive plan for projects of the Corps of En-
18	gineers (including the study, planning, engi-
19	neering, design, and construction of the projects
20	or components of projects and the functions or
21	activities of the Corps of Engineers relating to
22	other projects) that addresses hurricane protec-

other projects) that addresses hurricane protec-

tion, flood control, ecosystem restoration, storm

surge damage reduction, or navigation in the

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1	Hurricanes Katrina and Rita disaster areas in
2	the State of Louisiana; and
3	(B) to demonstrate and evaluate a stream-
4	lined approach to authorization of water re-
5	sources projects to be studied, designed, and
6	constructed by the Corps of Engineers.
7	(3) Membership.—
8	(A) IN GENERAL.—The president of the
9	Mississippi River Commission shall appoint
10	members of the Council, after considering rec-
11	ommendations of the Governor of Louisiana.
12	(B) REQUIREMENTS.—The Council shall
13	be composed of—
14	(i) 2 individuals with expertise in
15	coastal ecosystem restoration, including the
16	interaction of saltwater and freshwater es-
17	tuaries; and
18	(ii) 2 individual with expertise in geol-
19	ogy or civil engineering relating to hurri-
20	cane and flood damage reduction and navi-
21	gation.
22	(C) Chairperson.—In addition to the
23	members appointed under subparagraph (B)
24	the Council shall be chaired by 1 of the 3 offi-

1	cers of the Corps of Engineers of the Mis-
2	sissippi River Commission.
3	(4) Duties.—With respect to modifications
4	under subsection (c), the Council shall—
5	(A) review and approve or disapprove the
6	reports completed by the Secretary; and
7	(B) on approval, submit the reports to the
8	Committee on Environment and Public Works
9	of the Senate and the Committee on Transpor-
10	tation and Infrastructure of the House of Rep-
11	resentatives.
12	(5) TERMINATION.—
13	(A) IN GENERAL.—The Council shall ter-
14	minate on the date that is 6 years after the
15	date of enactment of this Act.
16	(B) Effect.—Any project modification
17	under subsection (c) that has not been approved
18	by the Council and submitted to Congress by
19	the date described in subparagraph (A) shall
20	not proceed to construction before the date or
21	which the modification is statutorily approved
22	by Congress.
23	(o) Other Projects.—
24	(1) In general.—With respect to the projects
25	identified in the analysis and design of comprehen-

- 1 sive hurricane protection authorized by title I of the
- 2 Energy and Water Development Appropriations Act,
- 3 2006 (Public Law 109–103; 119 Stat. 2247), the
- 4 Secretary shall submit a report describing the
- 5 projects to the Committee on Environment and Pub-
- 6 lic Works of the Senate and the Committee on
- 7 Transportation and Infrastructure of the House of
- 8 Representatives.
- 9 (2) Construction.—The Secretary shall be
- authorized to construct the projects at the time the
- 11 Committees referred to in paragraph (1) each adopt
- a resolution approving the project.
- 13 (p) Report.—
- 14 (1) IN GENERAL.—Not later than 6 years after
- the date of enactment of this Act, the Secretary
- shall submit to the Committee on Environment and
- 17 Public Works of the Senate and the Committee on
- Transportation and Infrastructure of the House of
- Representatives a report evaluating the alternative
- 20 means of authorizing Corps of Engineers water re-
- sources projects under subsections (c)(3), (f)(2), and
- 22 (0)(2).
- 23 (2) Inclusions.—The report shall include a
- 24 description of—

1	(A) the projects authorized and undertaken
2	under this section;
3	(B) the construction status of the projects;
4	and
5	(C) the benefits and environmental impacts
6	of the projects.
7	(3) External review.—The Secretary shall
8	enter into a contract with the National Academy of
9	Science to perform an external review of the dem-
10	onstration program under subsection (d), which shall
11	be submitted to the Committee on Environment and
12	Public Works of the Senate and the Committee on
13	Transportation and Infrastructure of the House of
14	Representatives.
15	(q) New Orleans and Vicinity.—
16	(1) In General.—The Secretary is author-
17	ized—
18	(A) to raise level heights as the Secretary
19	determines to be necessary, and otherwise en-
20	hance the Lake Pontchartrain and Vicinity and
21	the West Bank and Vicinity projects of the
22	Corps of Engineers to provide levels of protec-
23	tion necessary to achieve the certification re-
24	quired for participation in the national flood in-
25	surance program under the base flood ele-

1	vations in existence at the time of construction
2	of the enhancements;
3	(B) to modify the 17th Street, Orleans Av-
4	enue, and London Avenue drainage canals and
5	install pumps and closure structures at or near
6	the lakefront at Lake Pontchartrain;
7	(C) to armor critical elements of the New
8	Orleans hurricane and storm damage reduction
9	system;
10	(D) to improve and otherwise modify the
11	Inner Harbor Navigation Canal to increase the
12	reliability of the flood protection system for
13	New Orleans;
14	(E) to replace or modify certain non-Fed-
15	eral levees in Plaquemines Parish, Louisiana, to
16	incorporate the levees into the New Orleans to
17	Venice hurricane protection project of the Corps
18	of Engineers;
19	(F) to reinforce or replace flood walls in
20	the existing Lake Pontchartrain and Vicinity
21	and West Bank and Vicinity projects of the
22	Corps of Engineers to improve performance of
23	the systems;
24	(G) to perform 1-time storm-proofing of
25	interior pump stations to ensure the operability

1	of the stations during hurricanes, storms, and
2	high water events;
3	(H) to repair, replace, modify, and improve
4	non-Federal levees and associated protection
5	measures in Terrebonne Parish, Louisiana;
6	(I) to reduce the risk of storm damage to
7	the greater New Orleans metropolitan area by
8	restoring the surrounding wetlands through—
9	(i) measures to reverse wetland losses
10	in areas affected by navigation, oil and
11	gas, and other channels; and
12	(ii) modification of the Caernaryon
13	Freshwater Diversion structure or its oper-
14	ations; and
15	(J) to develop a comprehensive plan to de-
16	authorize deep draft navigation on the Mis-
17	sissippi River Gulf Outlet, Louisiana, extending
18	from the Gulf of Mexico to the Gulf Intra-
19	coastal Waterway, on the condition that, in de-
20	veloping the plan, the Secretary shall include
21	options—
22	(i) to deauthorize deep draft naviga-
23	tion;

1	(ii) to discontinue operations and
2	maintenance dredging for deep draft navi-
3	gation; and
4	(iii) to restore, protect, and preserve
5	the ecosystem surrounding the Mississippi
6	River Gulf Outlet.
7	(2) Funding.—Each activity carried out under
8	paragraph (1) shall be carried out in accordance
9	with the cost-sharing requirements described in the
10	Emergency Supplemental Appropriations Act for
11	Defense, the Global War on Terror, and Hurricane
12	Recovery, 2006 (Public Law 109–234; 120 Stat.
13	418).
14	(3) Conditions.—
15	(A) IN GENERAL.—The Secretary shall
16	submit to the Committee on Environment and
17	Public Works of the Senate and the Committee
18	on Transportation and Infrastructure of the
19	House of Representatives a notice in any case
20	in which estimates for the expenditure of funds
21	on any single project or activity described in
22	paragraph (1) exceeds the amount specified for

that project or activity in the Emergency Sup-

plemental Appropriations Act for Defense, the

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Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109–234; 120 Stat. 418).

(B) APPROVAL REQUIRED.—No appropriation in excess of an amount equal to 25 percent more than the amount specified for a project or activity in the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109–234; 120 Stat. 418) shall be made until an increase in the level of expenditure has been approved by resolutions adopted by the Committees referred to in subparagraph (A).

#### (4) Report.—

(A) In General.—Not later than 120 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report describing any modifications to the project for flood damage reduction, Larose to Golden Meadow, Louisiana, necessary to achieve the certification necessary for participation in the national flood insurance program.

#### (B) Modifications.—

1	(i) In General.—The Secretary may
2	carry out a modification recommended in
3	the report under subparagraph (A) if the
4	total cost of the modification does not ex-
5	ceed \$90,000,000.
6	(ii) Funding.—No funds shall be
7	available to construct any modification
8	under clause (i) until the report under sub-
9	paragraph (A) is approved by resolutions
10	adopted by the Committee on Environment
11	and Public Works of the Senate and the
12	Committee on Transportation and Infra-
13	structure of the House of Representatives.
14	(iii) Excess cost.—If the total cost
15	of a modification recommended in the re-
16	port under subparagraph (A) is greater
17	than \$90,000,000, the report shall be con-
18	sidered to be a report on a component area
19	of the larger protection program under the
20	analysis and design of the comprehensive
21	hurricane protection authorized by title I
22	of the Energy and Water Development Ap-
23	propriations Act, 2006 (Public Law 109–
24	103; 119 Stat. 2247).

(5) Consolidation.—

- 1 (A) IN GENERAL.—The Secretary may
  2 consolidate the flood damage reduction projects
  3 in Lower Jefferson Parish, Louisiana, identified
  4 for implementation under section 205 of the
  5 Flood Control Act of 1948 (33 U.S.C. 701s) as
  6 of the date of enactment of this Act.
  - (B) Implementation.—The Secretary may implement the projects consolidated under subparagraph (A) if the total cost of implementing the projects does not exceed \$100,000,000.
  - (C) Excess costs.—If the total cost of implementing the projects consolidated under (A) subparagraph is greater than \$100,000,000, the project for flood control, Lower Jefferson Parish, Louisiana, shall be considered to be a report on a component area of the larger protection program under the analysis and design of the comprehensive hurricane protection authorized by title I of the Energy and Water Development Appropriations Act, 2006 (Public Law 109–103; 119 Stat. 2247).

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1	SEC. 4. RED-OUACHITA RIVER BASIN LEVEES, ARKANSAS
2	AND LOUISIANA.
3	(a) In General.—Section 204 of the Flood Control
4	Act of 1950 (64 Stat. 170) is amended in the matter
5	under the heading "RED-OUACHITA RIVER BASIN"
6	by striking "at Calion, Arkansas" and inserting "improve-
7	ments at Calion, Arkansas (including authorization for the
8	comprehensive flood-control project for Ouachita River
9	and tributaries, incorporating in the project all flood con-
10	trol, drainage, and power improvements in the basin above
11	the lower end of the left bank Ouachita River levee)".
12	(b) Modification.—Section 3 of the Act of August
13	18, 1941 (55 Stat. 642, chapter 377), is amended in the
14	second sentence of subsection (a) in the matter under the
15	heading "LOWER MISSISSIPPI RIVER" by inserting
16	before the period at the end the following: "Provided, That
17	the Ouachita River Levees, Louisiana, authorized by the
18	first section of the Act of May 15, 1928 (45 Stat. 534,
19	chapter 569), shall remain as a component of the Mis-
20	sissippi River and Tributaries Project and afforded oper-
21	ation and maintenance responsibilities as directed in sec-
22	tion 3 of that Act (45 Stat. 535)".
23	SEC. 5. PUBLIC ACCESS, ATCHAFALAYA BASIN FLOODWAY
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#### 24 SYSTEM, LOUISIANA.

- 25 (a) IN GENERAL.—The public access feature of the
- 26 Atchafalaya Basin Floodway System, Louisiana project,

- 1 authorized by section 601(a) of the Water Resources De-
- 2 velopment Act of 1986 (100 Stat. 4142), is modified to
- 3 authorize the Secretary to acquire from willing sellers the
- 4 fee interest (exclusive of oil, gas, and minerals) of an addi-
- 5 tional 20,000 acres of land in the Lower Atchafalaya
- 6 Basin Floodway for the public access feature of the
- 7 Atchafalaya Basin Floodway System, Louisiana project.
- 8 (b) Modification.—
- 9 (1) IN GENERAL.—Subject to paragraph (2), ef-
- fective beginning November 17, 1986, the public ac-
- 11 cess feature of the Atchafalaya Basin Floodway Sys-
- tem, Louisiana project, is modified to remove the
- \$32,000,000 limitation on the maximum Federal ex-
- penditure for the first costs of the public access fea-
- ture.
- 16 (2) First cost.—The authorized first cost of
- \$250,000,000 for the total project (as defined in
- section 601(a) of the Water Resources Development
- 19 Act of 1986 (100 Stat. 4142)) shall not be exceeded,
- except as authorized by section 902 of that Act (100
- 21 Stat. 4183).
- 22 (c) Technical Amendment.—Section 315(a)(2) of
- 23 the Water Resources Development Act of 2000 (114 Stat.
- 24 2603) is amended by inserting before the period at the

1	end the following: "and may include Eagle Point Park,
2	Jeanerette, Louisiana, as 1 of the alternative sites".
3	SEC. 6. REGIONAL VISITOR CENTER, ATCHAFALAYA BASIN
4	FLOODWAY SYSTEM, LOUISIANA.
5	(a) Project for Flood Control.—Notwith-
6	standing paragraph (3) of the report of the Chief of Engi-
7	neers dated February 28, 1983 (relating to recreational
8	development in the Lower Atchafalaya Basin Floodway),
9	the Secretary shall carry out the project for flood control,
10	Atchafalaya Basin Floodway System, Louisiana, author-
11	ized by chapter IV of title I of the Act of August 15, 1985
12	(Public Law 99–88; 99 Stat. 313; 100 Stat. 4142).
13	(b) Visitors Center.—
14	(1) In General.—The Secretary, acting
15	through the Chief of Engineers and in consultation
16	with the State of Louisiana, shall study, design, and
17	construct a type A regional visitors center in the vi-
18	cinity of Morgan City, Louisiana.
19	(2) Cost sharing.—
20	(A) In general.—The cost of construc-
21	tion of the visitors center shall be shared in ac-
22	cordance with the recreation cost-share require-
23	ment under section 103(c) of the Water Re-
24	sources Development Act of 1986 (33 U.S.C.
25	2213(e)).

1	(B) Cost of upgrading.—The non-Fed-
2	eral share of the cost of upgrading the visitors
3	center from a type B to type A regional visitors
4	center shall be 100 percent.
5	(3) AGREEMENT.—The project under this sub-
6	section shall be initiated only after the Secretary
7	and the non-Federal interests enter into a binding
8	agreement under which the non-Federal interests
9	shall—
10	(A) provide any land, easement, right-of-
11	way, or dredged material disposal area required
12	for the project that is owned, claimed, or con-
13	trolled by—
14	(i) the State of Louisiana (including
15	agencies and political subdivisions of the
16	State); or
17	(ii) any other non-Federal government
18	entity authorized under the laws of the
19	State of Louisiana;
20	(B) pay 100 percent of the cost of the op-
21	eration, maintenance, repair, replacement, and
22	rehabilitation of the project; and
23	(C) hold the United States free from liabil-
24	ity for the construction, operation, maintenance,
25	repair, replacement, and rehabilitation of the

- project, except for damages due to the fault or negligence of the United States or a contractor
- of the United States.
- 4 (4) Donations.—In carrying out the project 5 under this subsection, the Mississippi River Commis-6 sion may accept the donation of cash or other funds, 7 land, materials, and services from any non-Federal 8 government entity or nonprofit corporation, as the

#### 10 SEC. 7. CALCASIEU RIVER AND PASS, LOUISIANA.

11 The project for the Calcasieu River and Pass, Lou-

Commission determines to be appropriate.

- 12 isiana, authorized by section 101 of the River and Harbor
- 13 Act of 1960 (74 Stat. 481), is modified to authorize the
- 14 Secretary to provide \$3,000,000 for each fiscal year, in
- 15 a total amount of \$15,000,000, for such rock bank protec-
- 16 tion of the Calcasieu River from mile 5 to mile 16 as the
- 17 Chief of Engineers determines to be advisable to reduce
- 18 maintenance dredging needs and facilitate protection of
- 19 valuable disposal areas for the Calcasieu River and Pass,
- 20 Louisiana.

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#### 21 SEC. 8. EAST BATON ROUGE PARISH, LOUISIANA.

- The project for flood damage reduction and recre-
- 23 ation, East Baton Rouge Parish, Louisiana, authorized by
- 24 section 101(a)(21) of the Water Resources Development
- 25 Act of 1999 (113 Stat. 277), as amended by section 116

1	of the Consolidated Appropriations Resolution, 2003 (117
2	Stat. 140), is modified to authorize the Secretary to carry
3	out the project substantially in accordance with the Report
4	of the Chief of Engineers dated December 23, 1996, and
5	the subsequent Post Authorization Change Report dated
6	December 2004, at a total cost of \$178,000,000.
7	SEC. 9. MISSISSIPPI RIVER GULF OUTLET RELOCATION AS-
8	SISTANCE, LOUISIANA.
9	(a) Port Facilities Relocation.—
10	(1) Authorization of appropriations.—
11	There is authorized to be appropriated
12	\$175,000,000, to remain available until expended, to
13	support the relocation of Port of New Orleans deep
14	draft facilities from the Mississippi River Gulf Out-
15	let (referred to in this section as the "Outlet"), the
16	Gulf Intercoastal Waterway, and the Inner Harbor
17	Navigation Canal to the Mississippi River.
18	(2) Administration.—
19	(A) In general.—Amounts appropriated
20	pursuant to paragraph (1) shall be adminis-
21	tered by the Assistant Secretary for Economic
22	Development (referred to in this section as the
23	"Assistant Secretary") pursuant to sections
24	209(c)(2) and 703 of the Public Works and

- Economic Development Act of 1965 (42 U.S.C. 3149(c)(2), 3233).
- 3 (B) REQUIREMENT.—The Assistant Sec-4 retary shall make amounts appropriated pursu-5 ant to paragraph (1) available to the Port of 6 New Orleans to relocate to the Mississippi 7 River within the State of Louisiana the port-8 owned facilities that are occupied by businesses 9 in the vicinity that may be impacted due to the 10 treatment of the Outlet under the analysis and 11 design of comprehensive hurricane protection 12 authorized by title I of the Energy and Water 13 Development Appropriations Act, 2006 (Public 14 Law 109–103; 119 Stat. 2247).
- (b) REVOLVING LOAN FUND GRANTS.—There is au-15 thorized to be appropriated to the Assistant Secretary 16 17 \$185,000,000, to remain available until expended, to provide assistance pursuant to sections 209(c)(2) and 703 of 18 19 the Public Works and Economic Development Act of 1965 20 (42 U.S.C. 3149(c)(2), 3233) to 1 or more eligible recipi-21 ents to establish revolving loan funds to make loans for 22 terms up to 20 years at or below market interest rates 23 (including interest-free loans) to private businesses within the Port of New Orleans that may need to relocate to the Mississippi River within the State of Louisiana due to the

- 1 treatment of the Outlet under the analysis and design of
- 2 comprehensive hurricane protection authorized by title I
- 3 of the Energy and Water Development Appropriations
- 4 Act, 2006 (Public Law 109–103; 119 Stat. 2247).
- 5 (c) Coordination With Secretary.—The Assist-
- 6 ant Secretary shall ensure that the programs described in
- 7 subsections (a) and (b) are fully coordinated with the Sec-
- 8 retary to ensure that facilities are relocated in a manner
- 9 that is consistent with the analysis and design of com-
- 10 prehensive hurricane protection authorized by title I of the
- 11 Energy and Water Development Appropriations Act, 2006
- 12 (Public Law 109–103; 119 Stat. 2247).
- 13 (d) Administrative Expenses.—The Assistant
- 14 Secretary may use up to 2 percent of the amounts made
- 15 available under subsections (a) and (b) for administrative
- 16 expenses.
- 17 SEC. 10. RED RIVER (J. BENNETT JOHNSTON) WATERWAY,
- 18 LOUISIANA.
- 19 The project for mitigation of fish and wildlife losses,
- 20 Red River Waterway, Louisiana, authorized by section
- 21 601(a) of the Water Resources Development Act of 1986
- 22 (100 Stat. 4142) and modified by section 4(h) of the
- 23 Water Resources Development Act of 1988 (102 Stat.
- 24 4016), section 102(p) of the Water Resources Develop-
- 25 ment Act of 1990 (104 Stat. 4613), section 301(b)(7) of

1	the Water Resources Development Act of 1996 (110 Stat.
2	3710), and section 316 of the Water Resources Develop-
3	ment Act of 2000 (114 Stat. 2604), is further modified—
4	(1) to authorize the Secretary to carry out the
5	project at a total cost of \$33,200,000;
6	(2) to permit the purchase of marginal farm-
7	land for reforestation (in addition to the purchase of
8	bottomland hardwood); and
9	(3) to incorporate wildlife and forestry manage-
10	ment practices to improve species diversity on miti-
11	gation land that meets habitat goals and objectives
12	of the Corps of Engineers and the State of Lou-
13	isiana.
14	SEC. 11. VIDALIA PORT, LOUISIANA.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for navigation improvement at Vidalia, Louisiana.

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